V.—GOVERNMENT MOTION.

AMENDMENT TO THE MADRAS LEGISLATIVE COUNCIL RULES.

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I beg to present the report * of the Select Committee on the amendment to the Madras Legislative Council Rules and move—

' *That the amendment be taken into consideration.*'

I shall read the amendment, Sir—

' Add *the following new rule after rule* 178 :—

" 178A. (1) *The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.*

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) *A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.*

(3) *It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.*" ' "

MR. CHAIRMAN :—" Motion moved—

' That the amendment be taken into consideration.' "

DR. A. LAKSHMANASWAMI MUDALIYAR :—" I support the amendment and request the House to pass it unanimously."

MR. CHAIRMAN :—" The question is—

' That the amendment be taken into consideration.' "

The motion was carried and the amendment was taken into consideration.

MR. CHAIRMAN :—" I shall now put the amendment to vote. The question is—

' *Add* the following new rule after rule 178 :—

" 178A. (1) The Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties.

Provided that Government may decline to produce a document on the ground that its disclosure would not be in the public interest.

(2) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

* Printed as Appendix V on pages 453–454 infra.

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(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.'' ' ''

The amendment was carried.

THE HON. SRI M. BHAKTAVATSALAM :—'' Sir, I move—

' *That the amendment be passed.*' ''

The motion was put and carried and the amendment was passed.

VI.—NON-OFFICIAL BILL.

THE MADRAS MARUMAKKATHAYAM (REMOVAL OF DOUBTS) BILL, 1955 (L.A. BILL NO. 12 OF 1955).

*SRI M. P. GOVINDA MENON :—'' Mr. Chairman, Sir, I move— 3-40 p.m.

' *That the Madras Marumakkathayam (Removal of Doubts) Bill*[a] *1955 (L.A. Bill No. 12 of 1955), as passed by the Assembly, be taken into consideration.*'

'' Sir, at the outset, I thank the Hon. Leader of the House for having given me this opportunity to move this non-official Bill to-day. This Bill, Mr. Chairman, is a very simple Bill. The necessity for it arose because there was a decision by Their Lordships in the Privy Council, as reported in I.L.R. (1948), Madras, 672. This decision according to some of us went against the ordinary custom, usage and the then law prevalent among the marumakkathayees of Malabar. That is why this Bill has to be introduced to-day. The case which went up to the Privy Council arose out of a dispute raised regarding the nature of the property which was the subject-matter of that suit, as it was considered a *Sthanam* property.

'' Now, there are two kinds of *stanams* in Malabar, and this has been established by a series of decisions of Courts based on the custom, usage, etc., of the Malabar district. Among some aristocratic royal families which were considered the chieftains or native rulers in those days, some seniormost male member or female member—in some families to the extent of four or five lines—were considered stanees, because they were karnavan of the tharwad in the district of Malabar. Some properties were also set apart for the sole enjoyment of these stanees, apart from the properties which had been enjoyed by them in common with the other members of the tharwad in which the stanees were born or from which the stanees got accession. That is one kind of stanam which was in practice in Malabar.

'' Another kind of stanam was that given by courtesy. The seniormost male member was considered a stanee. He was given the designation stanee, but in such a stanam no property was attached to the stanam as stanam. They were just the seniormost male members of the tharwad, but they had no independent property apart from the tharwad property, though they were styled

[a] Printed as Appendix VI on pages 454–455 infra.